

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

AHMED M. ELGHEMBRI,

Plaintiff,

v.

OFFICER IVAN,

Defendant.

Case No. [23-cv-02710-WHO](#) (PR)

ORDER OF DISMISSAL

Plaintiff Ahmed Mohamed Elghembri alleges that a prison guard named Ivan placed him in danger by spreading a false rumor about him. His original 42 U.S.C. § 1983 complaint containing these allegations was dismissed with leave to amend so that he could provide further factual detail, including the prison guard's full name: "If Elghembri chooses to file an amended complaint, he should also provide Officer Ivan's full name so that he can be served if appropriate." (Order Dismissing Complaint, Dkt. No. 10 at 4.) His first amended complaint fails to provide the guard's last name. Without this information, this federal civil rights action cannot proceed. Otherwise, the pleadings appear to be sufficient to allow the case to proceed. But for now, this suit is **DISMISSED** without prejudice.


Because this dismissal is without prejudice, Elghembri may move to reopen. Any such motion must (i) have the words **MOTION TO REOPEN** written on the first page; and (ii) contain an amended complaint in which he provides the prison guard's full name. The amended complaint must include the caption and civil case number used in this order (23-02710 WHO (PR)) and the words **SECOND AMENDED COMPLAINT** must be written on the first page. The amended complaint must also appear on this Court's form, a copy of

1 which will be sent to him. Because an amended complaint completely replaces the
2 previous complaints, Elghembri must include in his amended complaint all the claims he
3 wishes to present and all of the defendants he wishes to sue. *See Ferdik v. Bonzelet*, 963
4 F.2d 1258, 1262 (9th Cir. 1992). He may not incorporate material from any prior
5 complaint by reference.

6 The Clerk shall enter judgment in favor of defendant and close the file.

7 **IT IS SO ORDERED.**

8 **Dated:** May 15, 2024

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10 WILLIAM H. ORRICK
11 United States District Judge
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